

(4) Properties not on a street corner, may have side yard and rear yard fences, hedges, or walls behind the front yard setback that are eight (8) feet high if the property owner can demonstrate to the satisfaction of the Director of Community Development that the following conditions exists:

- a. A special privacy concern exists that merits the need for the eight-foot height and that these concerns cannot be practically addressed by additional landscaping or tree screening. Written justification shall be provided to the Community Development Department which documents the special privacy concern, and the higher fence height may only be approved at the discretion of the Director of Community Development.
- b. A special wildlife/animal problem affects the property and merits the need for the higher eight-foot height because no practical alternatives exists to address the problem. Documented instances of wildlife grazing on gardens or domestic landscaping may be an example of such a problem. Fencing proposed for rural or hillside areas shall be of an open design that does not detract from the scenic nature or character of the surrounding area.

Town of Los Gatos
Community Development
Department
Building Division



**Work
Exempt
From
Building
Permits
&
Fence Ordinance**

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WORK EXEMPT FROM BUILDING PERMITS

2001 UNIFORM BUILDING CODE - SECTION 106 - PERMITS

106.1 Permits Required. Except as specified in Section 106.2, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

106.2 Work Exempt from Permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) high.
5. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2:1.

7. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.

8. Painting, papering and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported by an exterior wall of Group R, Division 3 and (Group U Occupancies when projecting not more than 54 inches (1372 mm)).

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L).

12. 2001 Plumbing Code 103.1.2.2: (1) The clearing of stoppages, including the removal and reinstallation of water closets.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption for the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinance of this jurisdiction.

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TOWN FENCE ORDINANCE

Section 29.10.020 Height

Fence height shall be measured from finished grade and shall be measured from either side of the property line which affords affected property owners the most buffering from noise, light, glare, or privacy impacts.

Sec. 29.40.030. Fences, hedges and walls.

- (a) In residential zones, fences, hedges, and walls not over six (6) feet high are allowed on or within all property lines, except that no owner or occupant of any corner lot or premises in the Town shall erect or maintain upon such lot or premises any fence, hedge or wall higher than three (3) feet above the curb in a traffic view area unless a permit is secured from the Town Engineers. A traffic view area is the area which is within fifteen (15) feet of a public street and within two hundred (200) feet of the right-of-way line of an intersection. Barbed wire or razor Ribbon wire is prohibited in all zones.
- (b) The following exceptions shall apply:
 - (1) Properties within historic districts or have a Landmark and Historic Preservation Overlay shall not have fences, hedges, and walls higher than three (3) feet in a front yard except as provided in Subsection 29.40.030(b)(2). Any fence, hedge or wall erected in a front yard shall be of open design.
 - (2) Gateways or entryway arbors may be higher than six (6) feet in any zone including historic districts and shall be of open design but in no case shall a gateway or entryway arbor be higher than eight (8) feet, have a width greater than six (6) feet, or have a depth greater than four (4) feet. All gateway or entryway arbors shall be constructed of open design. No more than one (1) gateway or entry arbor per street frontage is allowed.
 - (3) Boundary line fences or walls adjacent to commercial property may be eight (8) feet high if requested or agreed upon by a majority of the residential property owners.